

TOWNSEND
and
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and
CREW
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FACSIMILE COVER SHEET

Date: March 2, 2000	Client Number: 12046A-010500US	No. Pages (including this one): 44	
To : Examiner Chin U.S. Patent and Trademark Office		At Fax Number:	(703) 308-4242
		Confirmation Phone Number:	(703) 308-3991
From: Karen B. Dow (5217)			

Message:

In re application of: Hans Boehringer et al.
 Application No.: 08/812,616
 Filed: March 6, 1997
 For: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES

Per our conversation, attached please find a duplicate copy of the Preliminary Amendment and Supplemental Information Disclosure Statement mailed on January 3, 2000. Please review and then please withdraw the Final Office Action of February 23, 2000.

Thank you.

Faxed:	Return To: Roberta A. Yard (5247)
If you have problems with reception please call Fax Services at extension 5565	

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AUG. 18. 2000 1:45PM

TTC PALO ALTO

NO. 3856

* * * COMMUNICATION RESULT REPORT (MAR. 2. 2000 11:55AM) * * *

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FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
7287 MEMORY TX		*##67983#17033084242	OK	44/44

REASON FOR ERROR
 E-1) HANG UP OR LINE FAIL
 E-3) NO ANSWER

E-2) BUSY
 E-4) NO FACSIMILE CONNECTION

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March 2, 2000	12046A-010500US	At Fax Number:	(703) 308-4242
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Fr m: Karen B. Dow (5217)			
Messag :			
In re application of: Application No.: Filed:		Hans Bo hringer et al. 08/812,616 March 6, 1997	

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Date: Mar. 29, 2000	Client Number:		
<u>March 2, 2000</u>	12046A-010500US	No. Pages (including this one):	44
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		Confirmation Phone Number:	(703) 308-3991
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* * * COMMUNICATION RESULT REPORT (MAR. 29. 2000 9:30AM) *

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FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
0483 MEMORY TX		##57353#17033084242	OK	44/44

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

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Seattle, Washington Phone: 206-467-9600	

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Date: <u>Mar. 29, 2000</u>	Client Number: <u>12046A-010500US</u>	No. Pages (including this one): <u>44</u>
T : Examiner Chin U.S. Patent and Trademark Office		At Fax Number: <u>(703) 308-4242</u>
		Confirmation Phone Number: <u>(703) 308-3991</u>
From: <u>Karen B. Dow</u>		
(5217)		
Message:		
In re application of: <u>Hans Boehringer et al.</u> Application No.: <u>08/812,616</u> Filed: <u>March 6, 1997</u>		

P
6
OFFICIAL**FILING ACKNOWLEDGMENT**Mailing Date: 3 January 2000 Application No. 08/812,616File No.: 12046A-010500US Filed: March 6, 1997Inventor(s): Hans Boehringer et al.Title: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES**Enclosures:**

- Transmittal in triplicate (1 page each) and
- Preliminary Amendment (27 pages)

KGB/ksj

Please stamp the date of receipt of the enclosed documents and return this card to addressee

FILING ACKNOWLEDGMENTMailing Date: 3 January 2000 Application No. 08/812,616File No.: 12046A-010500US Filed: March 6, 1997Inventor(s): Hans Boehringer et al.Title: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES**Enclosures:**

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- Preliminary Amendment (27 pages)

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1/3/00 U.S.P.T.O. Rec'd - 10:30 AM

AUG. 18. 2000 1:31PM

TTC PALO ALTO

Amendment

NO. 3856 P. 7

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Fl or
San Francisco, California 94111-3834
(415) 576-0200

Attorney Docket No. 2046AO10500US

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In re application of: Hans Behringer et al.

Application No.: 08/812,616

Filed: March 6, 1997

Group Art Unit: 1641

For: QUANTITATIVE LATERAL FLOW ASSAYS AND
DEVICES

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [] Enclosed is a petition to extend time to respond.
[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
[]

If any extension of time is needed, then this response should be considered a petition therefor.
The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR
TOTAL	* 52	MINUS	** 100 = 0
INDEP. * 12 MINUS *** 8 = 4			
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDT. FEE	RATE	ADDT. FEE
x \$9.00 =	\$0.00	x \$18.00 =	
x \$39.00 =	\$156.00	x \$78.00 =	
+ \$130.00 =		+ \$260.00 =	
TOTAL ADDIT. FEE	\$156.00	TOTAL	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, then write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- [] No fee is due.

Please charge Deposit Account No. 20-1430 as follows:

- [X] Claims fee \$ \$156.00
[X] Any additional fees associated with this paper or during the pendency of this application.

2 extra copies of this sheet are enclosed.

TOWNSEND and TOWNSEND and CREW LLP

Krishna G. Banerjee
Krishna G. Banerjee, Reg. No.: 43,317
Attorneys for Applicant

AUG. 18. 2000 1:22PM

TTC PALO ALTO

NO. 3856 P. 1

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Date:	Client Number:	No. Pages (including this one):
August 18, 2000	12046A-010500US	
To : Examiner James C. House U.S. Patent and Trademark Office		At Fax Number: (703) 305-3592
		Confirmation Phone Number: (703) 308-0193
From: Karen B. Dow (5217)		

Message:

PLEASE DELIVER IMMEDIATELY UPON RECEIPT

In re application of: Hans Boehringer et al.
 Application No.: 08/812,616
 Filed: March 6, 1997
 For: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES

Please see the attached correspondence regarding the above-referenced patent application.

*Duplicate
paper*

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Title: QUANTITATIVE LATERAL FLOW ASSAYS AND DEVICES
 Inventors: Hans Boehringer, et al.
 Serial No.: 08/812,616
 Filing Date: March 6, 1997
 File No.: 12046A-010500US
 Date Mailed: August 2, 2000

ENCLOSED:

1. Request for Status of Application (3 pp.);
2. Copy of January 3, 2000 Preliminary Amendment, Transmittal Letter, and return receipt postcard as stamped by the PTO mailroom (29 pp.);
3. Copy of January 3, 2000 Supplemental IDS and PTO Form 1449 (reference not enclosed), and return receipt postcard as stamped by the PTO mailroom (4 pp.);
4. Copy of March 2, 2000 Facsimile Cover Sheet and confirmation page (2 pp.);
5. Copy of March 29, 2000 Facsimile Cover Sheet and confirmation page (2 pp.); and
6. Return receipt postcard.

Please stamp the date of receipt of the enclosed documents and return this card to addressee.

KBD:ray

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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AUG. 18. 2000 ac 1:23PM that this TTC PALO ALTO
United States Postal Service deposited with the
class mail in an envelope
addressed to:

NO. 3856 P. 3
PATENT
Attorney Docket No.: 12046A-010500US

Assistant Commissioner for Patents
Washington, D.C. 20231

On: August 2, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Roberta A. Zard

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HANS BOEHRINGER et al.

Application No.: 08/812,616

Filed: March 6, 1997

For: QUANTITATIVE LATERAL FLOW
ASSAYS AND DEVICES

Examiner: C. Chin

Art Unit: 1641

**REQUEST FOR STATUS OF
APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We respectfully request an update concerning the status of the instant application in view of the following information. A Continued Prosecution Application was filed with the United States Patent and Trademark Office on January 21, 1999 for the application. On January 3, 2000, we filed a Supplemental Information Disclosure Statement and Preliminary Amendment, in which claims 2, 3, 24-52, 54-55, 64 and 82-119 were canceled without prejudice, and claims 1, 8, 10, 15, 23, 53, 56-63, 65-71, 73-81 and 120 were amended. As evidenced by a copy of the Preliminary Amendment postcard, the Amendment was received by the PTO on January 6, 2000. (Copies enclosed.) We then received a Final Office Action, mailed on February 23, 2000, which repeated the Examiner's rejections from the Final Office Action of the parent application.

The undersigned telephoned Examiner Chin on March 2, 2000 to inquire about the issuance of the Final Office Action, since we had filed a Preliminary Amendment. Examiner Chin stated that he had not received the Preliminary Amendment or Supplemental Information Disclosure Statement, and requested that we fax him a copy of the documents. Examiner Chin stated that he would withdraw the Final Office Action upon receipt of the Preliminary

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Amendment. A copy of the Supplemental IDS and Preliminary Amendment were faxed to Examiner Chin on March 2, 2000. A copy of the Facsimile Cover Sheet and confirmation page are attached.

On March 28, 2000, the undersigned called Examiner Chin and left a voicemail message inquiring about the status of the application and the withdrawal of the Final Office Action. On March 29, 2000, Examiner Chin left the undersigned a voicemail message stating that he did not receive the Preliminary Amendment that was faxed and requested that we resend it. On that same day, we resent the facsimile and the undersigned's assistant called Examiner Chin to inform him that the fax had been sent so that he could personally pick it up and asked that he call to confirm that he had received all of the pages. A copy of the Facsimile Cover Sheet and confirmation page are attached. We did not hear back from the Examiner for several hours and called again to confirm receipt of the facsimile. We were told by Examiner Chin that when he arrived at the fax machine, the facsimile was not there and that he would "track it down." We again asked that he call to confirm receipt of the facsimile, but were told that he would only call if he were unable to locate the facsimile.

On May 1, 2000, the undersigned called Examiner Chin to inquire about the status of the Office Action. Examiner Chin stated that he was working on it and that a withdrawal of the final rejection would be mailed by the end of the week. We have not received any papers from the Patent Office as of this date.

On June 14, 2000, we again telephoned Examiner Chin to check on the status of the withdrawal. We were told by Examiner Chin that he thought he had sent out an action but that he would have to check the file. We asked that he call to confirm that the withdrawal had in fact been sent, but we have not received any confirmation and have not received a new Office Action.

On June 15, 2000, the undersigned called Examiner Chin's supervisor, Examiner Housel, and left a voicemail requesting that he call to discuss this matter. We did not receive a response. On June 19, 2000, the undersigned left voicemail messages with both Examiner Chin and Examiner Housel, requesting that they call to discuss the status of the application. Examiner Housel's assistant called and stated that Examiner Housel was investigating the

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matter. We have not received any further communication from Examiner Housel or Examiner Chin.

On July 11, 2000, the undersigned again left a voicemail with Examiner Housel regarding the status of the application. We are still awaiting a response to our inquiries.

The Final Office Action is now in the three-month extension time period, and the final date for submitting a response is August 23, 2000. Applicants respectfully request that the Final Office Action be withdrawn immediately and that an Office Action responsive to the Preliminary Amendment filed on January 3, 2000 be issued.

In light of these facts, please provide us with the current status of this application. If a telephone call would expedite this matter, please call the undersigned at the below telephone number.

Respectfully submitted,

Karen Babyak Dow

Karen B. Dow
Reg. No. 29,684

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Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
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4. Copy of March 29, 2000 Facsimile Cover Sheet and confirmation page (2 pp.).

cc: Examiner Housel (w/ enclosures)